

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814
(916) 445-6410



October 16, 1985

ALL-COUNTY LETTER NO. 85-108

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: CWD RESPONSIBILITY TO A DEPENDENT CHILD PLACED IN STATE HOSPITAL

Several counties have asked questions regarding the county welfare departments' (CWD) responsibilities regarding a dependent child who has been placed in a State hospital.

The jurisdiction of the juvenile court over a dependent minor child is suspended from the time of the filing of the commitment petition until the discharge of the commitment order. During the time the child is being treated in the State Hospital under the authority of Welfare and Institutions Code (WIC) Section 6500 et seq., the court involved in the petition for commitment has jurisdiction. Since the juvenile court's jurisdiction pursuant to WIC Section 300 is suspended during the period the child is in the State Hospital, the CWD has no authority or obligation to provide child welfare services (CWS). The Department of Social Services (DSS) has no ability to reimburse CWD's for services provided outside the scope of statute.

In addition, the CWD should ensure that children who are released from State Hospitals and for whom the commitment order has been discharged continue to meet WIC Section 300 criteria. If the child does not meet WIC Section 300 criteria, the CWD should seek to have the dependency dismissed. Children cannot be made dependents under WIC Section 300 solely on the basis of their disability.

If you have further questions, please contact your Adult and Family Services Operations Bureau Consultant at (916) 445-0623.

A handwritten signature in cursive script, reading "Loren D. Suter".

LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA